



# State of Connecticut

## SENATE

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Good Afternoon Senator Prague, Representative Ryan and members of the Labor and Public Employees Committee. I am here today to testify in support of several bills regarding the workers' compensation system in Connecticut.

As you well understand, the workers' compensation system was created to benefit both employees and employers. Its purpose is to give swift relief to employees injured on the job while removing the threat of litigation against the employers in the majority of cases. While the system often works as planned, there are some situations in which the injured worker who has forgone his or her right to sue has benefits unjustly denied or delayed. Some of the bills that you are hearing today would rectify this situation.

Senate Bill 151, An Act Concerning Workers' Compensation Claims, simply requires that where a motion to correct a finding has been filed, the 20

day period for filing an appeal of a workers' compensation award or order shall begin to run from the date of the ruling on such motion. This legislation would make it unnecessary to take an appeal while a motion to correct the finding is pending in a workers' compensation case, thus making the process more efficient and fair. This bill would not only clarify the law but would also prevent employers from creating unnecessary delay.

Senate Bill 152, An Act Concerning Accidental Failure of Workers Compensation Claims creates an accidental failure of claim statute for workers' compensation in order to provide a workers' compensation claimant, after dismissal of a claim, with rights similar to those of a plaintiff in a civil action. This speaks to situations such as an attorney accidentally filing a claim against the wrong employer and not discovering this fact until after the time limit for filing has passed. Currently, a plaintiff in a civil suit can still file under the accidental failure of claim statute (Sec. 52-592). A workers' compensation plaintiff does not have this option. It makes sense to give the workers' compensation plaintiffs parallel rights with plaintiffs in a civil suit.

Senate Bill 153, An Act Concerning Scarring Awards Under the Workers' Compensation Act would remove the two-year limitation period commencing from the date of injury or the date of surgery for an injured employee to receive a workers compensation award. Currently, the injured employee cannot get an award until the passage of one year and is barred from award after the passage

of two years. The two-year limitation period has no rational basis and can be immensely harmful for scarring which does not develop immediately or the permanency of which is not clear immediately after the incident. This is simply a compassionate change to assist those injured on the job.

Senate Bill 171, An Act Allowing An Additional Workers' Compensation Award for an Employer's or Insurer's Undue Delay or Unreasonable Contest of Liability would ensure that a workers' compensation claimant benefits from the penalty imposed on a respondent found to have unduly delayed adjustments or payments of compensation or to have unreasonably contested liability. As the statute works now, the plaintiff's attorney gets compensated and the claimant gets the interest which is usually modest at best. This bill would award the attorney's fee to the attorney but also the same amount as the attorney's fee to the claimant to compensate him or her for the suffering caused by the intentional delay. It would create a serious disincentive for intentional and unreasonable delay which would go far toward improving the efficiency and fairness of the system.

Senate Bill 172, An Act Requiring Workers' Compensation Respondents to Request Hearings to Assure that Claimants are Receiving Benefits would require that workers' compensation respondents request an informal hearing in a timely manner on the issues of disability and scarring. This would assure that

each workers' compensation claimant receives the benefits to which he or she is entitled under workers' compensation law.

I would like to offer the committee my thanks for looking in depth at enhancing the equity of our workers' compensation system, and I would be most pleased to offer any assistance which might be helpful as you go forward on this vital matter.